

REMARKS

Assignee respectfully requests entry of the following amendments and remarks in response to the Final Office Action mailed June 6, 2011. Assignee submits that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1-5, 7-14, 16-20, and 23 are pending. In particular, Assignee amends claims 1, 5, 7, 10, 14, 16, 19, and 20 and claims 6, 15, and 21 are canceled without prejudice, waiver, or disclaimer. No new matter is introduced with these amendments. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Summary of Telephone Interview

Assignee acknowledges that the Examiner called Applicant's representative about a potential double patenting rejection. In response, a terminal disclaimer was filed on or about May 18, 2011.

II. Rejections under 35 U.S.C. §112

The Office Action rejects claims 1, 5, 10, 14, 19, and 21 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. In particular, the Office Action asserts that there is no support in the disclosure for the claim language directed to joining a first sender in an instant messaging session with a second sender.

In response, Assignee submits that pages 18-19 of the present application describes an embodiment having a chat session between Romeo (second sender) and Juliet (first recipient), where Mercutio (first sender) sends a chat message to Juliet (first recipient). The application further describes Mercutio (first sender) joining the chat session between Julie (first recipient)

and Romeo (second sender). See, e.g., page 20 (“a three way chat session is established between Juliet, Romeo, and Mercutio”). Therefore, the application clearly discloses and supports the claim language directed to joining a first sender in an instant messaging session with a second sender. Withdrawal of the rejection is respectfully requested.

The Office Action also states that the claim language is confusing with respect to “who is determining and querying to join the instant messaging session.” To address the Examiner’s concerns, independent claims 1, 5, 10, 14, 19, and 20 have been amended to clarify the claim language. Withdrawal of the rejection is respectfully requested.

III. Rejections under 35 U.S.C. §103

The Office Action indicates that claims 1-4, 6-8, 13, 15-17, and 21 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 2003/0233265 (“*Lee*”) in view of U.S. Patent Number 6,212,548 (“*DeSimone*”) further in view of U.S. Publication Number 2004/0189698 (“*Bokish*”) further in view of U.S. Patent Publication Number 2004/0254998 (“*Horvitz*”). Claims 5, 9-12, 14, 18-20, and 23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Lee* in view of *DeSimone* further in view of *Bokish*. The rejections are traversed for at least the following reasons.

Independent claim 1 recites:

A communication method comprising:
receiving, by a messaging client of a first recipient, an instant messaging message from a first sender to the first recipient;
performing, by the messaging client of the first recipient, a forwarding operation comprising:
waiting, by the messaging client of the first recipient, a predefined time interval for an input from the first recipient, the input being responsive to the instant messaging message;
determining, by the messaging client of the first recipient, whether input from the first recipient is received during the predetermined time interval; and

in response to determining, by the messaging client of the first recipient, that no input from the first recipient is received during the predetermined time interval, querying the first sender to grant permission to forward, by the messaging client of the first recipient, the instant messaging message from the first recipient to a second recipient and indicate, by the messaging client of the first recipient, that the instant messaging message originated from the first sender; and

performing, by the messaging client of the first recipient, a joining operation comprising:

in response to receipt, by the messaging client of the first recipient, of the instant messaging message from the first sender to the first recipient and a determination, by the messaging client of the first recipient, that the first recipient is engaged in an instant messaging session with a second sender, querying the first sender to join the instant messaging session, wherein in response to receiving, by the messaging client of the first recipient, confirmation that the first sender desires to join the instant messaging session, querying the second sender to grant permission allowing the first sender to join the instant messaging session; and

joining the first sender in the instant messaging session with the first recipient and the second sender after receiving permission from the second sender.

(Emphasis added).

Claim 1 is allowable over the cited art for at least the reason that *Lee* in view of *DeSimone* further in view of *Bokish* further in view of *Horvitz* fails to disclose, teach, or suggest “performing, by the messaging client of the first recipient, a joining operation comprising: in response to receipt, by the messaging client of the first recipient, of the instant messaging message from the first sender to the first recipient and a determination, by the messaging client of the first recipient, that the first recipient is engaged in an instant messaging session with a second sender, querying the first sender to join the instant messaging session, wherein in response to receiving, by the messaging client of the first recipient, confirmation that the first sender desires to join the instant messaging session, querying the second sender to grant permission allowing the first sender to join the instant messaging session; and joining the first

sender in the instant messaging session with the first recipient and the second sender after receiving permission from the second sender,” as emphasized above.

More specifically, *Lee* discloses a process for scheduling a meeting including sending meeting invites to invitees, where a meeting invite may be resent to an invitee in a different manner of communication if the invitee has not responded within a window of time to an invite. See paragraph 0057 and paragraph 0060. Additionally, *DeSimone* discloses adding a user as a participant in an ongoing chat conversation with other participants. Col. 5, lines 55-56.

It is noted that *DeSimone* does not ask or query the user being added as a participant as to whether the user would like to be added to the conversation or whether the user being added would like to maintain a separate conversation. Further, *DeSimone* does not ask or query another participant in a conversation as to whether the other participant will permit a new user to be added to the conversation. Rather, *DeSimone* describes that “participants in the respective conversations are initially chosen by the initiator and can be augmented by the initiator and, illustratively, others after they become participants.”

Additionally, *Bokish* discloses an information service bureau or customer support center that has multiple information agents capable of responding to instant messages sent to a common address associated with the information service bureau. Lastly, *Horvitz* discloses a process of sending a message and automatically retracting the message if the message is not received or read within a specified period of time. See paragraph 0026. *Horvitz* also discloses an “IM Unavailable Policy” for handling a received instant message when a recipient is or becomes unavailable that include converting the instant message to email or automatically-generating a response to the sender saying that the recipient is unavailable. See paragraphs 0041-0045.

Therefore, *Lee* in view of *DeSimone* further in view of *Bokish* further in view of *Horvitz* fails to teach or suggest at least “performing, by the messaging client of the first recipient, a

joining operation comprising: in response to receipt, by the messaging client of the first recipient, of the instant messaging message from the first sender to the first recipient and a determination, by the messaging client of the first recipient, that the first recipient is engaged in an instant messaging session with a second sender, querying the first sender to join the instant messaging session, wherein in response to receiving, by the messaging client of the first recipient, confirmation that the first sender desires to join the instant messaging session, querying the second sender to grant permission allowing the first sender to join the instant messaging session; and joining the first sender in the instant messaging session with the first recipient and the second sender after receiving permission from the second sender,” as recited in claim 1.

For at least these reasons, claim 1 is allowable. Dependent claims 2-4 are allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 1.

Independent claim 5 recites:

A communication method comprising:
receiving, by a messaging client of a first recipient, an instant messaging message from a first sender to the first recipient;

determining, by the messaging client of the first recipient, whether the first recipient is engaged in an instant messaging chat session with a second sender; and

in response to determining that the first recipient is engaged in the instant messaging chat session with the second sender, requesting, by the messaging client of the first recipient, for authorization from the first sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the messaging client of the first recipient, that the instant messaging message originated from the first sender, wherein the instant messaging message is forwarded from the messaging client of the first recipient to the second recipient after receiving authorization from the first sender.

(Emphasis added).

Claim 5 is allowable for at least the reason that *Lee* in view of *DeSimone* further in view of *Bokish* does not disclose, teach, or suggest “in response to determining that the first recipient is engaged in the instant messaging chat session with the second sender, requesting, by the messaging client of the first recipient, for authorization from the first sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the messaging client of the first recipient, that the instant messaging message originated from the first sender, wherein the instant messaging message is forwarded from the messaging client of the first recipient to the second recipient after receiving authorization from the first sender,” as emphasized above.

More specifically, *Lee* discloses a process for scheduling a meeting including sending meeting invites to invitees, where a meeting invite may be resent to an invitee in a different manner of communication if the invitee has not responded within a window of time to an invite. See paragraph 0057 and paragraph 0060. Additionally, *DeSimone* discloses adding a user as a participant in an ongoing chat conversation with other participants. Col. 5, lines 55-56.

It is noted that *DeSimone* does not ask or query the user being added as a participant as to whether the user would like to be added to the conversation or whether the user would like to maintain a separate conversation. Further, *DeSimone* does not ask or query another participant in a conversation as to whether the other participant will permit a new user to be added to the conversation. Rather, *DeSimone* describes that “participants in the respective conversations are initially chosen by the initiator and can be augmented by the initiator and, illustratively, others after they become participants.”

Additionally, *Bokish* discloses an information service bureau or customer support center that has multiple information agents capable of responding to instant messages sent to a common address associated with the information service bureau. Accordingly, incoming instant

messages are received from users at a central location and routed to an appropriate information agent. See abstract.

Therefore, *Lee* in view of *DeSimone* further in view of *Bokish* fails to teach or suggest at least “in response to determining that the first recipient is engaged in the instant messaging chat session with the second sender, requesting, by the messaging client of the first recipient, for authorization from the first sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the messaging client of the first recipient, that the instant messaging message originated from the first sender, wherein the instant messaging message is forwarded from the messaging client of the first recipient to the second recipient after receiving authorization from the first sender,” as recited in claim 5.

For at least these reasons, claim 5 is allowable. Dependent claims 7-9 are allowable for at least the reason that the claims depend from and include the elements of allowable independent claim 5. Further, *Horvitz* does not remedy the deficiencies of *Lee* in view of *DeSimone* further in view of *Bokish* in disclosing the features of independent claim 5.

Independent claim 10 recites:

A non-transitory computer-readable medium encoded with a computer program such that when executed by a computer performs at least the following:

receive, at a messaging client of a first recipient, an instant messaging message from a sender to the first recipient;

wait, at the messaging client of the first recipient, a predefined time interval for an input from the first recipient, the input being responsive to the instant messaging message;

determine, by the messaging client of the first recipient, whether input from the first recipient is received during the predetermined time interval; and

in response to determining that no input from the first recipient is received during the predetermined time interval, requesting, by the messaging client of the first recipient, for authorization from the sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the messaging client of the first recipient, that the instant messaging message originated from the sender, wherein the instant messaging message is forwarded from the messaging client of the first recipient to the second recipient after receiving authorization from the sender.

(Emphasis added).

Claim 10 is allowable for at least the reason that *Lee* in view of *DeSimone* further in view of *Bokish* fails to disclose, teach, or suggest “in response to determining that no input from the first recipient is received during the predetermined time interval, requesting, by the messaging client of the first recipient, for authorization from the sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the messaging client of the first recipient, that the instant messaging message originated from the sender, wherein the instant messaging message is forwarded from the messaging client of the first recipient to the second recipient after receiving authorization from the sender,” emphasized above.

More specifically, *Lee* discloses a process for scheduling a meeting including sending meeting invites to invitees, where a meeting invite may be resent to an invitee in a different manner of communication if the invitee has not responded within a window of time to an invite. See paragraph 0057 and paragraph 0060. *Lee* fails to disclose that a messaging client of a recipient requests permission from a sender of a message received at the messaging client of the recipient before forwarding the message from the messaging client of the recipient. Additionally, *DeSimone* discloses adding a user as a participant in an ongoing chat conversation with other participants. Col. 5, lines 55-56. Lastly, *Bokish* discloses an information service bureau or customer support center that has multiple information agents capable of responding to instant messages sent to a common address associated with the information service bureau. Accordingly, incoming instant messages are received from users at a central location and routed to an appropriate information agent. See abstract.

Therefore, *Lee* in view of *DeSimone* further in view of *Bokish* to teach or suggest at least “in response to determining that no input from the first recipient is received during the predetermined time interval, requesting, by the messaging client of the first recipient, for authorization from the sender to forward the instant messaging message from the first recipient

to a second recipient and indicating, by the messaging client of the first recipient, that the instant messaging message originated from the sender, wherein the instant messaging message is forwarded from the messaging client of the first recipient to the second recipient after receiving authorization from the sender,” as recited in claim 10.

For at least these reasons, claim 10 is allowable. Dependent claims 11-13 are allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 10. Further, *Horvitz* does not remedy the deficiencies of *Lee* in view of *DeSimone* further in view of *Bokish* in disclosing the features of independent claim 10.

Independent claim 14 recites:

A computer-readable medium encoded with a computer program such that when executed by a computer performs at least the following:

receive, at a messaging client of a first recipient, an instant messaging message from a first sender to the first recipient;

determine, by the messaging client of the first recipient, whether the first recipient is engaged in an instant messaging chat session with second sender; and

in response to determining that the first recipient is engaged in the instant messaging chat session with the second sender, request, by the messaging client of the first recipient, for authorization from the first sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the messaging client of the first recipient, that the instant messaging message originated from the first sender, wherein the instant messaging message is forwarded from the messaging client of the first recipient to the second recipient after receiving authorization from the first sender.

(Emphasis added).

Claim 14 is allowable for at least the reason that *Lee* in view of *DeSimone* further in view of *Bokish* does not disclose, teach, or suggest “in response to determining that the first recipient is engaged in the instant messaging chat session with the second sender, request, by the messaging client of the first recipient, for authorization from the first sender to forward the

instant messaging message from the first recipient to a second recipient and indicating, by the messaging client of the first recipient, that the instant messaging message originated from the first sender, wherein the instant messaging message is forwarded from the messaging client of the first recipient to the second recipient after receiving authorization from the first sender,” as emphasized above.

More specifically, *Lee* discloses a process for scheduling a meeting including sending meeting invites to invitees, where a meeting invite may be resent to an invitee in a different manner of communication if the invitee has not responded within a window of time to an invite. See paragraph 0057 and paragraph 0060. *Lee* fails to disclose that a messaging client of a recipient requests permission from a sender of a message received at the messaging client of the recipient before forwarding the message from the messaging client of the recipient. Additionally, *DeSimone* discloses adding a user as a participant in an ongoing chat conversation with other participants. Col. 5, lines 55-56. Lastly, *Bokish* discloses an information service bureau or customer support center that has multiple information agents capable of responding to instant messages sent to a common address associated with the information service bureau. Accordingly, incoming instant messages are received from users at a central location and routed to an appropriate information agent. See abstract.

Therefore, *Lee* in view of *DeSimone* further in view of *Bokish* fails to teach or suggest at least “in response to determining that the first recipient is engaged in the instant messaging chat session with the second sender, request, by the messaging client of the first recipient, for authorization from the first sender to forward the instant messaging message from the first recipient to a second recipient and indicating, by the messaging client of the first recipient, that the instant messaging message originated from the first sender, wherein the instant messaging message is forwarded from the messaging client of the first recipient to the second recipient after receiving authorization from the first sender,” as recited in claim 14.

For at least these reasons, claim 14 is allowable. Further, dependent claims 15-18 are allowable for at least the reason that the claims depend from and include the elements of allowable independent claim 14. Further, *Horvitz* does not remedy the deficiencies of *Lee* in view of *DeSimone* further in view of *Bokish* in disclosing the features of independent claim 14.

Independent claim 19 recites:

A communication system comprising:

means for receiving, at a messaging client of a first recipient, an instant messaging message from a sender to a the first recipient;

means for determining, at the messaging client of the first recipient, whether the first recipient is engaged in an instant messaging chat session with another sender;

means for, in response to determining that the first recipient is engaged in an instant messaging chat session with another sender, replying, at the messaging client of the first recipient, to the instant messaging message; and

means for, in response to determining that the first recipient is not engaged in an instant messaging chat session with another user, requesting, at the messaging client of the first recipient, for authorization from the sender to forward the instant messaging message from the first recipient to a second recipient and indicate, by the first recipient, that the instant messaging message originated from the sender, wherein the instant messaging message is forwarded from the messaging client of the first recipient to the second recipient after receiving authorization from the sender,

wherein all the means are embodied as hardware controlled by software.

(Emphasis added).

Claim 19 is allowable for at least the reason that *Lee* in view of *DeSimone* further in view of *Bokish* fails to disclose, teach, or suggest “means for, in response to determining that the first recipient is not engaged in an instant messaging chat session with another user, requesting, at the messaging client of the first recipient, for authorization from the sender to forward the instant messaging message from the first recipient to a second recipient and indicate, by the first recipient, that the instant messaging message originated from the sender,

wherein the instant messaging message is forwarded from the messaging client of the first recipient to the second recipient after receiving authorization from the sender,” as emphasized above.

More specifically, *Lee* discloses a process for scheduling a meeting including sending meeting invites to invitees, where a meeting invite may be resent to an invitee in a different manner of communication if the invitee has not responded within a window of time to an invite. See paragraph 0057 and paragraph 0060. *Lee* fails to disclose that a messaging client of a recipient requests permission from a sender of a message received at the messaging client of the recipient before forwarding the message from the messaging client of the recipient. Additionally, *DeSimone* discloses adding a user as a participant in an ongoing chat conversation with other participants. Col. 5, lines 55-56. Lastly, *Bokish* discloses an information service bureau or customer support center that has multiple information agents capable of responding to instant messages sent to a common address associated with the information service bureau. Accordingly, incoming instant messages are received from users at a central location and routed to an appropriate information agent. See abstract.

Therefore, *Lee* in view of *DeSimone* further in view of *Bokish* fails to teach or suggest at least “means for, in response to determining that the first recipient is not engaged in an instant messaging chat session with another user, requesting, at the messaging client of the first recipient, for authorization from the sender to forward the instant messaging message from the first recipient to a second recipient and indicate, by the first recipient, that the instant messaging message originated from the sender, wherein the instant messaging message is forwarded from the messaging client of the first recipient to the second recipient after receiving authorization from the sender,” as recited in claim 19. For at least these reasons, claim 19 is allowable.

Independent claim 20 recites:

A communication system comprising:

a memory component that stores:

instant-messaging receive logic configured to receive, at a messaging client of a first recipient, an instant messaging message from a sender to a the first recipient;

determining logic configured to determine, by the messaging client of the first recipient, whether the first recipient has provided an input during a predefined time interval;

the determining logic configured to, in response to determining that the first recipient has not provided an input during the predetermined time interval, determine, by the messaging client of the first recipient, whether the first recipient is engaged in an instant messaging chat session with another sender, wherein the determining logic comprises a timer configured to track elapsed time from a receiving of the instant messaging message;

reply logic configured to, in response to determining that the first recipient is engaged in an instant messaging chat session with another sender, reply, by the messaging client of the first recipient, with a reply message to the instant messaging message, the reply message indicating the first recipient's unavailability to engage in an instant messaging chat session; and

querying logic configured to, in response to determining that the first recipient is not engaged in an instant messaging chat session with another sender, query, by the messaging client of the first recipient, the sender for authorization to forward the instant messaging message from the first recipient to a second recipient and indicating, by the first recipient, that the instant messaging message originated from the sender, wherein the instant messaging message is forwarded from the messaging client of the first recipient to the second recipient after receiving authorization from the sender.

(Emphasis added).

Claim 20 is allowable for at least the reason that *Lee* in view of *DeSimone* further in view of *Bokish* does not disclose, teach, or suggest “querying logic configured to, in response to determining that the first recipient is not engaged in an instant messaging chat session with another sender, query, by the messaging client of the first recipient, the sender for authorization to forward the instant messaging message from the first recipient to a second recipient and indicating, by the first recipient, that the instant messaging message originated from the sender, wherein the instant messaging message is forwarded from the messaging client of the first

recipient to the second recipient after receiving authorization from the sender,” as emphasized above.

More specifically, *Lee* discloses a process for scheduling a meeting including sending meeting invites to invitees, where a meeting invite may be resent to an invitee in a different manner of communication if the invitee has not responded within a window of time to an invite. See paragraph 0057 and paragraph 0060. *Lee* fails to disclose that a messaging client of a recipient requests permission from a sender of a message received at the messaging client of the recipient before forwarding the message from the messaging client of the recipient. Additionally, *DeSimone* discloses adding a user as a participant in an ongoing chat conversation with other participants. Col. 5, lines 55-56. Lastly, *Bokish* discloses an information service bureau or customer support center that has multiple information agents capable of responding to instant messages sent to a common address associated with the information service bureau. Accordingly, incoming instant messages are received from users at a central location and routed to an appropriate information agent. See abstract.

Therefore, *Lee* in view of *DeSimone* further in view of *Bokish* fails to teach or suggest at least “querying logic configured to, in response to determining that the first recipient is not engaged in an instant messaging chat session with another sender, query, by the messaging client of the first recipient, the sender for authorization to forward the instant messaging message from the first recipient to a second recipient and indicating, by the first recipient, that the instant messaging message originated from the sender, wherein the instant messaging message is forwarded from the messaging client of the first recipient to the second recipient after receiving authorization from the sender,” as recited in claim 20.

For at least these reasons, claim 20 is allowable. Dependent claims 21 and 23 are allowable for at least the reason that these claims depend from and include the elements of

allowable independent claim 20. Further, *Horvitz* does not remedy the deficiencies of *Lee* in view of *DeSimone* further in view of *Bokish* in disclosing the features of independent claim 20.

CONCLUSION

For at least the reasons set forth above, all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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